Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

notwithstanding. In witness whereof we have caused these our Letters to be made Patents. Witness our Self at Westminster the 19th day of May in the 32nd of our Reign.

By writ of Privy Seal,

PIGOTT.

INSTRUCTIONS TO FRANCIS NICHOLSON.

INSTRUCTIONS TO FRANCIS NICHOLSON, ESQ., HIS MAJESTY'S LIEUT. AND GOVERNOR-GEN'L OF VIRGINIA.

His Majesty's will and pleasure is that the members of his said Council shall and may have and enjoy freedom of Debate and vote in all affairs of Publick concern that may be debated in Council. And altho by his Majesty's commission* he has thought fitt to direct that any three of the councillors make a Quorum, It is nevertheless his majesty's will and pleasure that you do not act with a Quorum less than five members, unless upon extraordinary Emergencies, when a greater number can not be conveniently had.

And that his majesty may be always informed of the names of the persons fit to Supply the vacancies that shall happen in his said Council, you are to transmit unto his majesty by one of his principal Secretaries of State and to the Commissioners for Trade and Plantations with all convenient speed the names and character of twelve persons Inhabitants of his said Colony, whom you shall esteem the best qualify'd to succeed in that Trust, and so from time to time when any of them shall dye, depart out of the said Colony, or become otherwise unfit, you are to supply the first number of twelve persons by nominating others to his Majesty in their stead. And in the choice and

*These instructions were supplementary to Governor Nicholson's commission.

nomination of members of his majesty's said council as also of the principal officers, Judges, Assistants, Justices, and sherifs, you are always to take care that they be men of Estates and abilities and not necessitous nor much in debt, and that they be persons well affected to his Majesty's Government.

You are not to suspend the members of his Majesty's said Council without good and sufficient cause, and in case of suspension of any of them you are to cause your reason for so doing together with the charges and proofs against the said persons and their answers thereunto (unless you have some extraordinary reason for the contrary) to be duly entered upon the Council Book (in case you do not so enter them) unto his majesty as aforesaid and to the commissioners of Trade and Plantations.

You are to signifie his Majesty's pleasure unto his Said council that if any of them shall hereafter absent them selves without your leave or the Governor's or Commander's in chief of that Colony for the time being first obtained, or remain absent for the Space of two years or the greater part thereof without his Majesty's leave given them under his Royal Signature, their place or places in the said council shall immediately become void, and that his Majesty will forthwith appoint others in their stead.

And you are from time to time to send unto his Majesty and to the said Commissioners for Trade and Plantations the names & qualities of any members by you put into the said council by the first conveniency after your so doing.

You are to require the Secretary of that Colony or his deputy for the time being to provide transcript of all such acts and public orders as shall be made from time to time, together with a copy of the journal of the council, to the end that the same may be transmitted unto his Majesty and to the commissioners for Trade and Plantations as above directed, which he is duly to perform upon the pain of incurring the forfeiture of his place.

And whereas some dissatisfaction has arisen amongst the Inhabitants of that Colony, by reason that the same persons who are of his Majesty's Council there, constituting also the general Court, and being thereby judges in all causes whatsoever both of law & Equity, yet do not take any particular oath proper for a judge who is to administer justice between man and man, you are therefore to take care that all of them (besides the usual oath

of a councellor) be also Sworn to do impartial justice in the cases of all kinds whatsoever that may come before them as judges.

Complaint having been made that the members of his Majesty's said council in all matters of civil right where any of them are defendants, claim a privilege of exemption of the ordinary form of process by writ, so that they cannot be arrested, and that it being the practice in all such cases that the Secretary summon them to an appearance by a letter, they either comply with the same or neglect it at their own pleasure, by which means the course of justice is obstructed; and the plaintiffs who are not of the council are left destitute of relief, you are therefore to take special care that according to the said order made in the said council of Virginia the 27 March, 1678 (by which the members thereof claimed the aforesaid Privilege) a letter of Summons to the said councillors signed either by yourself or the Secretary of the said Colony be deemed as binding and as strict in law for their appearance as a writ, and upon their neglect to comply with any such summons except only in time of General Assembly, they be liable to the ordinary form of common process.

You are to take care that no court of Judicature be adjourned but upon good grounds, and whereas complaint has been made that the orders of court are enterred in the absence of the magistrates, and some times pend in private at the Magistrate's house, you are to take care to prevent the said abuses, and particularly that no order of any court of judicature be enterred or allowed, which shall not be first read and approved by the magistrates in open court, which rule in like manner you are to see observed with relation to the proceedings in his Majesty's Council of Virginia, and that all orders there made be first read and approved in Council before they are entered in the council books.

You are to take care that drunkenness and debauchery, Swearing and blasphemy be Severely punished, and that none be admitted to public trust and Employment whose ill fame and conversation may bring scandal thereupon.

And you are further to take care that an exact account be forthwith drawn of all arrears of Quit-rents due unto his Majesty expressing from what persons for what quantity of land, and for what time, those arrears and likewise an account specifying what

Particular persons throughout all the said Colony are possessed of about 20,000 acres of land apiece, by what title they hold the said land, and how much each of them are possessed of above that quantity, both which accounts you are without delay to transmit unto his Majesty, to the Commissioners of his Treasury, or high Treasurer for the time being; and to the Commissioner for Trade and Plantations as aforesaid.

Whereas his majesty has thought fit to establish and allow comfortable Subsistence and Salary for you his Governor & his other chief officers in that his Colony, you shall according to his said Establishment receive and take to your own use as Governor out of the first monies raised or to be raised there, the yearly Sum of two thousand pounds by quarterly payments, and you shall also cause to be paid out of the revenue of the said Colony to the Council and other judges and officers as well civil as military, and to the marshal, clerk of the Assembly, Gunners and Matroses, the several salaries and allowances or such other reasonable ones, as you with the advice of the council there shall think requisite; a true account whereof you shall from time to time transmit unto the Commissioners of his Majesty's Treasury or the high Treasurer for the time being, and to the Commissioners for Trade and Plantations.

Whereas upon considering the entries at his Majesty's Custom House here in England with the payment of the 2s p. Hhd on Tobacco and other Duties and impositions due unto his majesty in Virginia, his Majesty is certainly inform'd of great Frauds and abuses both by the Payment thereof by masters of ships and others; and in the Collection by his officers, you are to use all lawfull means for the prevention thereof and for the Improvement of his said Revenue, and whereas such abuses cannot be committed without apparent negligence of the collectors, or their connivance with the said Masters of Ships or other persons, you are to take great care, with the advice of the Council, in appointing fit and duly qualified persons for the collecting of those Duties, and the like for employment of naval officers.

You shall not commit the care of those different employments unto one and the same person, or any of those persons much concerned in Trade, who may be apt thereby to be Biassed from their Respective duties unto the members of the said Council.

You shall take care that each of the persons appointed by you to the said Employment (as well naval officers as collectors) be sworn to execute faithfully and diligently but their respective offices in their own persons, not by Deputies, unless in case of absolute necessity, and that the Deputies be likewise sworn to the faithful and diligent execution of their said respective offices, and that each of the said officers or their Deputies, be required accordingly to give their attendance at such certain times and places, as you with the advice of the said Council shall direct.

You are strictly to charge them, and every of them, in his Majesty's name, to be more diligent and carefull for the future under penalty of the forfeiture of their respective places, by your putting others in their stead on the first offence, and of his Majesty's highest displeasure; and you are from time to time to give unto his Majesty and to the commissioners of the Treasury or high Treasurer for the time being and to the Commissioners for Trade and foreign Plantations a particular account of your proceeding herein and of the duties and Impositions collected and disposed pursuant to former directions in that behalf.

And for as much as it seems incongruous that the place of Receiver or Accomptant should be as it hath been of late years in the same person with that of the Auditors, which is in the nature of it and ought to be a check or control thereunto, you are therefore to consider thereof and report unto his Majesty and to the commissioners of the Treasury or high Treasurer for the time being, and to the Commissioners for Trade and Plantations, what you conceive most proper to be done for his Majesty's advantage and for the advantage of that Colony in the settlement of both or either of the said offices, with proper limitations and restrictions; and in the mean while to take care that his Majesty's Quit-rents be not only duly gathered, but (in order to the Improvement thereof) that they be sold every year, openly by inch of candle, to the highest bidder in the respective County Courts, and due notice be given of the time and place of such intended sale in such manner as may make it most publickly known to all people a competent time beforehand.

And whereas complaints have been made of Several undue practices in the Secretary's or Register's office of that colony by the clerks or other persons employed therein:

You are to make inspection into what hath been the State and management of the said office and report unto his Majesty and the Commissioners for Trade and Plantations how you find the Same, together with your opinion by what methods any former mismanagement may for the future be best prevented, and in the mean while to take all possible care that the Records of the said office be well and faithfully kept, and in order thereunto that not only the Secretary or register himself, but his clerks be also under oath for the due Execution of the trust reposed in them, and that they accordingly give sufficient Security for their faithfull performances.

You are from time to time to give unto his Majesty and to the commissioners for Trade and Plantations an account of the wants and Defects of the said Colony, what improvements are made herein by the Industry of the Inhabitants and Planters; and further improvements you conceive may be made, or advantages gained by trade; and which way his Majesty may best contribute thereto.

If any thing shall happen that may be of advantage and Security to the said colony, which is not herein or by his Majesty's commission provided for, his majesty doth hereby authorize and direct you with the advice and consent of his council there, to take order for the Present, therein giving unto him by one of his principal Secretarys of State and to the aforesaid Commissioners for Trade and foreign Plantations, speedy notice thereof and of all your Proceedings, and of the condition of affairs within your government for his Majesty's Information & direction.